

The Governing Body of the City of Emporia, Kansas, met in Regular Session, Wednesday, September 16, 2020, with Mayor Giefer presiding and Commissioners Brinkman, Geitz, Gilligan and Smith present. Also present were City Manager McAnarney, Assistant City Manager Massey, City Clerk Sull and City Attorney Montgomery.

MAYOR AND CITY COMMISSIONERS REPORTS AND COMMENTS

This is the time for the Mayor and City Commissioners to make comments and reports to the public. **The following is general information for the month of August for the community:**

1. Monthly Local Retail Sales Tax Receipts Update

	2019	2020	Increase of \$62,808.68 for the month, and
	\$394,063.87	\$456,872.55	Overall increase of 2.05% from year 2019
YTD	\$ 3,239,684.32	\$ 3,306,069.09	

2. City Share from County Tax

	2019	2020	Increase of \$32,447.35 for month, and
	\$203,038.33	\$235,485.68	Overall increase of 5.80% from year 2019
YTD	\$1,597,765.41	\$1,609,463.03	

3. Building Permits issued from 8/1/2020 to 8/31/2020 for new construction, remodeling, repairs and demolition.

Total number of building permits issued through Code Services:	85
Total of valuations associated with those building permits:	\$8,585,950.00
Total number of dollars collected for Building Permit Fees:	\$ 25,870.00
Construct - single family dwellings	1
Demo - single family dwellings	0

Flint Hills Mall CID for August	\$ 20,215.25
Year to Date Total	\$ 135,558.28

Consent Agenda

It was moved by Commissioner Gilligan, seconded by Commissioner Smith that the Consent Agenda listed below be ratified as a whole:

- Consider minutes of the Meeting held on September 2, 2020.
- Consider ratification of Payroll Ordinance for the period ending on September 11, 2020.
- Consider the Approval of August Budget.

The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

**CITY COMMISSION
(Public Comment)**

This is the time for the public to make comments. No comments were made at this time.

**ENGINEERING
(Downtown Sanitary Sewer System Improvements Project No. SS1803)
(CDBG Project 18-PF-005 Sanitary Sewer Relining Project)
(Public Hearing)**

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated the downtown sanitary sewer system improvements project has been completed. These improvements were partially funded with \$700,000.00 Community Development Block Grant (CDBG) from the State. He stated the next step in the process is to conduct a public hearing for the purpose of evaluating the performance of Grant #18-PF-005, which was for a sewer system improvement project within the City limits of Emporia.

Mayor Giefer then opened the public hearing.

As no one in attendance wished to address the Governing Body, Mayor Giefer closed the public hearing.

**CITY COMMISSION
(Kansas Department of Commerce for Small Cites)
(Authority to Apply for Community Development Block Grant)
(Lift Station #2 Improvements)
(Resolution Number 3634)**

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated he had been working with staff to submit an application for a Kansas Department of Commerce Community Development Block Grant sewer project. This project is for improvements to Lift Station #2 and will include the replacement of two (2) flooded suction centrifugal wastewater pumps, valves and piping. The preliminary estimate for the project is \$1,703,200 with a grant request of \$700,000. The remaining \$1,003,200 in local matching funds will be contributed by the City of Emporia's KDHE-SRF loan. He stated the next step in the

application process is to authorize staff to submit the application by approving the resolution authorizing the Mayor to sign and execute all necessary documents.

Commissioner Brinkman made a motion to approve Resolution Number 3634, a resolution authorizing the City of Emporia to submit an application for a CDBG Sewer Grant for Lift Station #2 Improvements. Commissioner Smith seconded the motion. The vote follows: Commissioner Brinkman, aye; Commissioner Smith, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Kansas Department of Commerce for Small Cites)
(Authority to Apply for Community Development Block Grant)
(Maintenance and Operation of Lift Station #2)
(Resolution Number 3635)

Garrett Nordstrom, CDBG Grant Administrator, was recognized and addressed the Governing Body. He stated a requirement of the CDBG sewer grant is to approve a Resolution for Maintenance and Operation of Lift Station #2. The resolution states funds will be continually provided for the operations and maintenance of improvements to the sewer system that are financed with community development block grant funds. The annual maintenance costs are anticipated to be approximately \$30,000.

Commissioner Smith made a motion to approve Resolution Number 3635, a resolution assuring the Kansas Department of Commerce that funds will be continually provided for the operation and maintenance of improvements to the sewer system to be financed with CDBG funds. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan and Mayor Giefer, aye.

CITY COMMISSION
(Approve Agreements with BG Consultants)
(FEMA Related Projects)
(2020 S. Arundel Sanitary Sewer Improvements)
(2020 Neosho River Raw Water Intake Improvements)
(2020 Neosho River Low Water Dam Improvements)

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated due to the flooding in the summer of 2019, several city facilities were damaged. Staff has been working with the Kansas Department Emergency Management to get the projects approve by FEMA. The projects submitted are as follows: S. Arundel Sanitary Sewer Improvements; Neosho River Raw Water Intake Improvements; and Neosho River Low Water Dam Improvements. BG Consultants will be contracted to design the mitigation portion of each of the projects. S. Arundel Sanitary Sewer Improvements had a section of pipe damaged and supports were damaged on another. The damaged area was temporarily repaired, however, it will need long term repair to prevent further damage. The design portion and construction services of this project will cost \$271,500 with 85% of the cost to be reimbursed by FEMA. Neosho River Raw Water Intake Improvements has rock riprap on the bank of the Neosho River, on the east and west sides of the structure. Some of the rock was moved due to flooding and needs to be replaced to help ensure that the bank and structure are not damaged in future floods. The design portion and construction services of this project will cost \$216,660 with 85% of the cost to be reimbursed by FEMA. Neosho River Low Water Dam Improvements the south abutment had large masonry stones washed downstream which has exposed the abutment to further, possible more catastrophic damage in future floods. The design portion and construction services of this project will cost \$202,900 with 85% of the cost to be reimbursed by FEMA. He stated BG Consultants will need to proceed with preliminary mitigation design before the projects are submitted to FEMA for approval. He stated staff is

recommending approval of the contacts with BG Consultants for design of FEMA related projects.

Following further discussion, Commissioner Smith made a motion to approve the contracts with BG Consultants for the mitigation design of the S. Arundel Sanitary Sewer Improvements (\$271,500); Neosho River Raw Water Intake (\$216,660) and the Neosho River Low Water Dam (\$202,900). Commissioner Gilligan seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

BONDS

**(Authorizing Series 2020 Refunding and General Obligation Bonds
(Estimated Aggregate Principal Amount of \$6,880,000.00)
(Resolution Number 3636)**

City Manager McAnarney stated the Commission had previously authorized various projects for the 2020 General Obligation bond issue. This also provides for the redemption of the 2012-A general obligation bonds at an estimated savings of \$133,000.00. He stated this resolution starts the process that offers the City's 2020 refunding and general obligation improvement bonds and authorizes the Mayor to sign a Bond Purchase Agreement on the day the bonds are offered and sold. The next step, at a future meeting, will authorize the bond ordinance and resolution authorizing the sale of the bonds and the form of notice of redemption addressed to the State Treasurer for the Series 2012-A bonds being called for on November 1, 2020. He stated staff is recommending approving the Resolution authorizing the 2020 refunding and improvement general obligation bonds in the estimated amount of \$6,880,000.00.

Commissioner Gilligan made a motion to approve Resolution Number 3636, a resolution authorizing the offering of the City of Emporia

2020 refunding and improvement general obligation bonds in the estimated amount of \$6,880,000.00. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

WATER SERVICE
(Amending City Code Sections 28-22, 28-142 & 28-143)
(Water & Sewer Services for Multifamily Dwellings)
(Ordinance Number 20-27)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS PERTAINING TO WATER & SEWER CHARGES; AMENDING SECTION 28-22, 28-142, AND 28-143 OF THE CODE OF THE CITY OF EMPORIA, KANSAS, to which the City Clerk assigned Ordinance Number 20-27, was presented to the Governing Body for their consideration.

Dean Grant, Public Works Director, was recognized and addressed the Governing Body. He stated currently multifamily dwellings pay a single monthly service charge for water and wastewater based upon the size of water meter installed at the building. He stated the monthly service charge is not sufficient to cover the water and wastewater services which are being provided. This proposed ordinance will allow for multifamily dwellings which are equipped or built after January 1, 2021, to be charged a monthly service charge for one dwelling unit based on the size of meter installed plus an additional service charge for each additional unit at a rate equivalent to the 5/8 inch meter rate for water and wastewater. He stated staff is recommending approval of the ordinance amending the code.

Commissioner Smith made a motion to approve Ordinance Number 20-27, an ordinance pertaining to water and sewer charges amending section 28-22, 28-142, and 28-143 of the Code of the City of Emporia for multifamily dwellings. Commissioner Brinkman seconded the motion. The vote follows: Commissioner Smith, aye; Commissioner

Brinkman, aye; Commissioner Geitz, aye; Commissioner Gilligan, aye; and Mayor Giefer, aye.

CITY COMMISSION
(Consider Amending Requiring Individuals to Wear Face Masks)
(Ordinance Number 20-28)

AN ORDINANCE OF THE CITY OF EMPORIA, KANSAS REQUIRING INDIVIDUALS TO WEAR MASKS OR OTHER FACE COVERINGS IN CERTAIN CIRCUMSTANCES AND AMENDING CITY CODE SECTION 16-266, to which the City Clerk assigned Ordinance Number 20-28, was presented to the Governing Body for their consideration.

City Attorney Montgomery, was recognized and addressed the Governing Body. She stated City Code Sec. 16-266 requiring individuals to wear face masks or other face coverings in certain circumstances is scheduled to expire September 16, 2020 at 11:59 p.m. She stated this proposed ordinance extends the expiration date to October 21, 2020 at 11:59 p.m. All other requirements pursuant to Sec 16-266 would remain the same.

Commissioner Gilligan made a motion to approve Ordinance Number 20-28, an ordinance amending City Code Sec. 16-266 extending the expiration date to October 21, 2020, at 11:59 p.m. pertaining to face masks. Commissioner Geitz seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Geitz, aye; Commissioner Brinkman, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

CITY COMMISSION
(City Manager's Report)

This is a verbal report that announces upcoming events, recognizes employees for outstanding contribution and provides the public information that may be of a general interest. The following information was presented at the meeting:

At the time this Agenda was prepared, the following items were in the works:

TENTATIVE AGENDA FOR SEPTEMBER 23RD STUDY SESSION

CARES/Spark Funds
Presentation from the Emporia Community Action Group
Recycling Contract Discussion
Review 2020 General Obligation Bond Issue.
Discuss Emporia Main Street Contract.

EXECUTIVE SESSION

Commissioner Gilligan made a motion to adjourn into Executive Session for consultation with the City Attorney regarding a legal matter and to invite Special Projects Manager Jim Witt from 7:25 p.m. to 7:35 p.m., in the City Commission Meeting Room. Commissioner Smith seconded the motion. The vote follows: Commissioner Gilligan, aye; Commissioner Smith, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; and Mayor Giefer, aye.

Upon reconvening the meeting in Regular Session, at 7:35 p.m., this same date, in the City Commission Meeting Room, Mayor Giefer stated they had discussed consultation with the City Attorney regarding a legal matter and no action was taken.

Commissioner Gilligan then made a motion to adjourn. Commissioner Brinkman seconded the motion. The vote follows:

Commissioner Gilligan, aye; Commissioner Brinkman, aye; Commissioner Geitz, aye; Commissioner Smith, aye; and Mayor Giefer, aye.

Danny Giefer, Mayor

ATTEST:

Kerry Sull, City Clerk